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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/087,031 10/19/2001		James Vincent Crivello	0094046A	6505	
	590 12/31/2002				
MARY LOUISE GIOENI, ESQ. HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			EXAMINER		
			ROBERTSON, JEFFREY		
712271117,711	12203		ART UNIT	PAPER NUMBER	
			1712		
			DATE MAILED: 12/31/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	No.	Applicant(s)					
		10/087,031		CRIVELLO, JAMES VINCENT					
	Office Action Summary	Examiner		Art Unit					
		Jeffrey B. R		1712					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address									
Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status Contains and Contains 2004									
1)⊠									
2a) <u></u> 	,			accoution on to t	ho morite is				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.									
Disposition of Claims									
4)	Claim(s) is/are pending in the application	on.							
4	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)	5) Claim(s) is/are allowed.								
6)□	6) Claim(s) is/are rejected.								
7)	Claim(s) is/are objected to.								
8) Claim(s) 1-30 are subject to restriction and/or election requirement.									
	on Papers								
9) The specification is objected to by the Examiner.									
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.									
If approved, corrected drawings are required in reply to this Office action.									
12) The oath or declaration is objected to by the Examiner.									
Priority under 35 U.S.C. §§ 119 and 120									
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).									
a) All b) Some * c) None of:									
	1. Certified copies of the priority documents have been received.								
	2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).									
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachment(s)									
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s)	·	4) Interview Summar 5) Notice of Informal 6) Other:	ry (PTO-413) Paper N Patent Application (F	No(s) PTO-152)				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-27, drawn to a process of making a siloxane or silane, classified in class 528, subclass 25.
 - Claims 28-30, drawn to functional siloxane compounds, classified in class
 556, subclass 445.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the compounds of Group II can be made by using an alkenyl end-stopped siloxane and trialkoxy hydrosilane.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. This application contains claims directed to the following patentably distinct species of the claimed invention: for **A**:
- i. an epoxy-containing group, claims 3, 9, 13, and 21;
- ii. alkenyl ether-containing groups, claim 4;

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iii. acrylic-containing groups.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 5, 6, 10, 11, 12, 14-20, and 22-27 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 10/087,031 Page 4 Art Unit: 1712 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (703) 306-5929. The examiner can normally be reached on Mon-Fri 7:00-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on (703) 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jeffrey B. Robertson

Examiner Art Unit 1712

JBR December 27, 2002